
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

ADAM BRENT WALLACE,

Plaintiff,

v.

C.R. ENGLAND INC., et al.,

Defendants.

**MEMORANDUM DECISION AND ORDER
GRANTING MOTION TO AMEND AND
ORDERING SERVICE OF PROCESS**

Case No. 2:16-cv-652-CW

Judge Clark Waddoups

On July 6, 2016, the Court granted Plaintiff Adam Brent Wallace leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. (Dkt. No. 2.) Mr. Wallace, proceeding *pro se*, alleges he was a commercial driver for Defendant C.R. England and that C.R. England breached its agreements with Mr. Wallace. (*See generally* Compl., Dkt. No. 3.) Mr. Wallace has now twice moved the court to amend his Complaint prior to service on any Defendant, as well as for an extension of time to serve the Complaint. (Dkt. Nos. 5 & 6.) Upon review of Mr. Wallace's motions, the Court **GRANTS** Mr. Wallace's Second Motion to Amend his Complaint, (Dkt. No. 6), and finds his First Motion to Amend **MOOT**, (Dkt. No. 5). The Court **DIRECTS** the clerk to file Mr. Wallace's Amended Complaint, attached as Exhibit A to Docket Entry 6, (Dkt. No. 6-1), forthwith.

Furthermore, because Mr. Wallace proceeds *in forma pauperis*, the Court must order service of the Amended Complaint. Rule 4 requires a court to serve process for plaintiffs it has authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915. Fed. R. Civ. P. 4(c)(3) ("At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court *must* so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915") (emphasis added); *see*

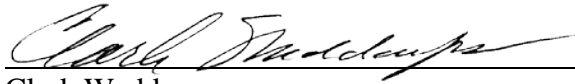
Olsen v. Mapes, 333 F.3d 1199, 1204 (10th Cir. 2003) (“When a plaintiff is granted in forma pauperis status, the district court is required to serve process for the plaintiff.”).

Thus, the Court **DIRECTS** the Clerk of Court to prepare a summons for the Defendant in this case. The United States Marshals Service shall serve a completed summons, a copy of the Amended Complaint, and a copy of this Order upon the Defendant at:

4701 W 2100 S
Salt Lake City, UT 84120

SO ORDERED this 28th day of March, 2017.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Clark Waddoups", is written over a horizontal line.

Clark Waddoups
United States District Judge